

REMARKS

Careful consideration has been given to the Official Action of October 18, 2006 and reconsideration of the application is respectfully requested.

Claim 1 has been amended to incorporate the subject matter of claim 7, which has been canceled.

Claims 14 and 18 have been amended to incorporate the subject matter of claim 16, which has been canceled.

Claim 21 has been amended to incorporate the subject matter of claim 22, which has been canceled.

Claim 32 has been amended to incorporate the subject matter of claims 22 and 33, which have been canceled.

Claim 18 has been amended as will be discussed below.

Claims 36 has been added. Claim 36 is supported by original claims 21 and 30.

Claims 1-35 are provisionally rejected by the Examiner under 35 USC 101 as allegedly claiming the same invention as that of claims 1, 3, 5, 10, 11, 27, 28, 32-35, 37 and 38 of copending application No. 10/029,473.

Claims 1-20 are provisionally rejected by the Examiner on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claims 4, 38, 42, 43, and 44 of copending application No. 10/029,473.

Claims 18 and 20 are rejected by the Examiner under 35 USC 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-11 and 14-23, 27, 29 and 32-35 are rejected by the Examiner under 35 USC 102(b) as being allegedly anticipated by US Patent No. 6,198,963 (hereafter “Ben Haim”).

Claims 12, 13, 28, 30, and 31 are rejected by the Examiner under 35 USC 103(a) as being allegedly unpatentable over Ben Haim.

Each of the Examiner’s rejection will be dealt with, in turn, hereafter.

REJECTION UNDER 35 USC 101:

The claims of the present application are not drawn to identical subject matter as that of the copending application No. 19/029, 473 (hereafter “Copending Application”), and the claims of these two applications are not coextensive in scope.

Specifically, the claims of the Copending Application, as presented in the Appeal Brief of June 23, 2006, require signal processing circuits, which is operatively connected to

the signal receiver, for determining three dimensions of position information and at least two dimensions of orientation information wherein the information is the position and orientation coordinates of the object in the body of the subject. This recitation is not present in the claims of the instant application.

Claims 1, 14, and 18 of the instant application recite storing a first electrical energy derived from the RF driving field during a first time period, and a second time period following the first time period; powering the generation of the digital output signal comprises powering the generation of the digital output signal using the first stored electrical energy, and powering the transmission of the digital output signal comprises powering the generation of the digital output signal using the second stored electrical energy. Similar recitations are in claims 21 and 32. These recitations are not found in the Copending Application.

Additionally, the claims of the instant application require storing (or storage of) electrical energy derived from the RF driving field, and powering the generation and transmission of an output signal using the stored electrical energy. Claims 1-17, 19, and 21-35 recite that the output signal is digital, and claim 20 recite that the output signal is analog. These recitations also cannot be found in the claims of the Copending Application.

Therefore, the claims of the instant application and the Copending Application are not coextensive and the Examiner's rejection under 35 USC 101 cannot stand.

REJECTION ON THE GROUND OF NONSTATUTORY OBVIOUSNESS-TYPE
DOUBLE PATENTING:

It is requested that the Examiner's rejection on the ground of nonstatutory obviousness-type double patenting be held in abeyance until a set of claims have been deemed to be allowable in this or the Copending Application.

REJECTION UNDER 35 USC 112, SECOND PARAGRAPH

To overcome the Examiner's rejection to claims 18 and 20, claim 18 has been amended to adopt the Examiner's suggestion. Namely, claim 18 now recites "an output signal".

REJECTION UNDER 35 USC 102(b)

The claimed invention is clearly distinguished over Ben Haim as will be discussed hereafter.

The claimed invention provides an apparatus including a power storage device adapted to store a first electrical energy derived from the RF driving field during a first time period, and a second time period following the first time period. The apparatus also includes a control circuit adapted to use the first stored electrical energy to generate a digital output, following the generation of the digital output, use the second stored electrical energy to drive a power coil to transmit the digital output signal. Similar methods and wireless position transponder are also provided by the claimed invention.

In contrast, Ben Haim does not teach or suggest an apparatus as discussed above. Specifically, Ben Haim discloses a verification device which may be operated in a learning mode or a testing mode. In the learning mode, which is performed by a medical professional when the object to be tracked is in the proper position, the device measures the distance from the device to the object and stores the measurement as a reference value. In the testing mode, the device measures the distance from the device to the object and compares the measurement with the reference value to confirm that the object is still at the same place. Since in either the learning mode or the testing mode, the sensor and the field generators are activated in order to obtain a measurement. It follows that Ben Haim does not teach or suggest receiving the RF driving field during a first period without driving the field generators, and during a second time period subsequent to the first time period and prior to transmitting the out as recited by the claimed invention.

REJECTION UNDER 35 USC 103, SECOND PARAGRAPH:

Ben Haim discloses at column 4, lines 9-14 that “to confirm the proper placement and orientation of a long tube, the location of more than one point along the tube may be confirmed. In such cases, more than one anchor point may be used...”. However, as can be seen in Fig. 7, only one sensor 28 is provided, while the verification device is placed over multiple anchor points (points at which the verification device is placed). This is similarly illustrated in Fig. 14, where the verification device is moved along the intestine until the proper signal is found.

Therefore, Ben Haim does not teach or suggest providing a plurality of transponders

and it would not be obvious to one skilled in the art to arrive at the claimed invention in view of Ben Haim.

In view of the above action and comments, it is respectfully submitted that the each and every rejection raised by the Examiner has been dealt with, and favorable reconsideration of the application as amended is earnestly solicited.

Respectfully submitted,

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